

KENTUCKY BOARD OF RESPIRATORY CARE

MINUTES

August 20, 2015

A meeting of the Kentucky Board of Respiratory Care was held on Thursday, August 20, 2015 at the KBRC offices, 163 W. Short Street, Lexington, KY.

MEMBERS PRESENT

Jeff Smithern, RRT, Chair
Dr. Robert W. Powell, Vice-Chair
Tamara G. McDaniel, RRT
Dr. James McCormick
Kathleen Kearney Schell
Pamela Boykin, RRT
Jerrell Cloud, RRT

KBRC STAFF

Peggy Lacy Moore, Executive Director
Rick L. Rose, Administrative Assistant

OTHER

Cheryl Lalonde, AAG

Mr. Smithern called the meeting to order at 5:45 p.m., at 163 W. Short Street, Lexington, KY.

Minutes

Ms. McDaniel made a motion to approve the June 18, 2015 minutes with an amendment; seconded by Dr. McCormick. Motion carried unanimously.

Financial Statement

Ms. Moore presented the financial statements for June (FY 2015) and July 2015 (FY 2016). Dr. Powell made a motion to accept the financials for FY 2015 and FY 2016; seconded by Ms. McDaniel. Motion carried unanimously.

Ms. Moore stated the increasing retirement factor and the FICA pension funds delayed since 1987 would make a tremendous impact on our FY 2016-2018 budget. Ms. Moore shared the Board's budget history from 2007 to the current budget of \$210,000.00 for FY 2016.

Ms. Moore presented a preliminary floor plan from Brien Hoover of Real Properties on potential office space for the Board and the KY Landscape Architects Board at South Creek Park, Bldg., B, 3rd Floor, located at 2365 Harrodsburg Road, Lexington, KY. The layout was 1,102 sq. ft. at a cost of \$16.50 per sq. ft. with parking and janitorial included at South Creek Park, Lexington, KY. There is a conference room we can use on the 4th floor as long as it's not rented. Ms. McDaniel made a motion to notify Brien Hoover of Real Properties to move forward in negotiations on this office space rental at South Creek Park with a possible office move by November 1 or December 1, 2015; seconded by Dr. McCormick. Motion carried unanimously.

Ms. McDaniel made a motion to approve the budget reports; seconded by Dr. Powell. Motion carried unanimously

Continuing Education

Premier Home Care, Inc.

Dr. Powell presented a copy of the letter he sent to the KY Medical Licensure Board about Trilogy ventilators. Dr. Powell indicated he would be attending a Medical Association meeting in October in Montreal, Canada and would discuss with his colleagues. If he has information he will report to the Board at the December 10, 2015 meeting.

Medical Education System, Inc., 2nd Continuing Education Submission

Dr. McCormick made a motion to send an approval letter to Yuridia Leyva at Medical Education Systems, Inc; seconded by Ms. McDaniel. Motion carried unanimously.

Ms. Boykin and Mr. Cloud, members of the Education Committee, discussed a CEU submitted on “Grief” requesting 14.0 CEUs for the class. Dr. McCormick made a motion to approve 14.0 CEUs for the “Grief class”; seconded by Ms. McDaniel. Motion carried unanimously.

Lori Schulman, Sleep Sciences, Inc., Inquiry on Sleep Device

Ms. McDaniel discussed an email from Lori Schulman. Ms. McDaniel will work with legal counsel to prepare a reply.

Agreed Orders 2015 CEU Audits: John Bloomer, KY # 0036

Jerrell Cloud made a motion for legal counsel to draft another Agreed Order for Mr. Bloomer, to pay a \$100 fine for submitting his CEUs late; seconded by Dr. McCormick. Motion carried unanimously. The record shows Ms. Boykin, RRT, recused from the discussion and vote.

Sharilynn Lee, RRT, Inquiry

Ms. McDaniel presented an email inquiry about scope of practice. The Board discussed and agreed the activity was permissible pursuant to KRS 314A.100; Ms. McDaniel will notify Ms. Lee.

Staff Report

Ms. Moore and Mr. Rose gave an update on activities since the last meeting.

Old Business

Committee Update re: Proposed 2015 Law Changes Re: KRS Chapter 314A00

Ms. McDaniel discussed the need to increase fees by 20% across the board for all credentials issued by the Board. The Board revenue for 2014 and 2015 was \$365,107; the expenses for 2014 and 2015 exceeded revenue at \$386,786.00. Mr. Cloud made a motion to approve the 20% fee

increase and Ms. McDaniel will present the proposal to the KY Society of Respiratory Care at its next meeting in October 2015; seconded by Ms. Boykin. Motion carried unanimously.

Complaints

Dr. Powell made a motion for the Board to go into closed session, pursuant to KRS 61.810(1) (c) and (j), to discuss proposed or pending litigation and to deliberate regarding individual adjudications. The motion was seconded by Jerrell Cloud and carried unanimously. Dr. Powell moved to come out of closed session; seconded by Dr. McCormick. Motion carried unanimously.

Agreed Orders – Compliant Cases

Joseph Cecil

Mr. Fingerson reported Joseph Cecil is compliant. No action on the case.

Terry Clark

Mr. Fingerson reported Terry Clark is compliant. No action on the case.

Amy Golden

Mr. Fingerson reported Amy Golden is compliant. No action on the case.

April Dawn Hall

Mr. Fingerson reported April Dawn Hall is compliant. No action on the case.

Holly Hall

Mr. Fingerson reported Holly Hall is compliant. No action on the case.

Shannon Keys

Mr. Fingerson reported Shannon Keys is compliant. No action on the case.

Aaron Peter

Mr. Fingerson reported Aaron Peter is compliant. No action on the case.

Sara Sparks

Mr. Fingerson reported Sara Sparks is compliant. No action on the case.

Jill Stacy

Mr. Fingerson reported Jill Stacy is compliant. No action on the case.

Paul Derrick Sublett

Mr. Fingerson reported Paul Sublett is compliant. No action on the case.

Laura Thomas

Mr. Fingerson reported Laura Thomas is compliant. No action on the case.

KYPRN Cases – Review or Actions Needed

Rodney Reynolds

Dr. Powell made a motion to approve the Recommended and Final Orders for Rodney Reynolds and mail the Final Order to Mr. Reynolds; seconded by Dr. McCormick. Motion carried unanimously.

Mary Marcia Fuller

Dr. Powell made a motion to set a hearing at 10:00 a.m., EST, on Friday, November 13, 2015 and for legal counsel to prepare a Notice of Hearing and Complaint; seconded by Dr. McCormick. Motion carried unanimously. Ms. McDaniel recused from the discussion and vote on Ms. Fuller.

Aubrey Bryant

Dr. Powell made a motion for legal counsel to draft a letter regarding compliance with KYPRN and her Agreed Order; seconded by Dr. McCormick. Motion carried unanimously.

FYI: Agreed Orders Signed – No Actions Needed

Agreed Orders signed: Jerome Scott, Tara Wenzel; 2015 CEU Cases: Kie Shelley, Carolyn Walker.

Complaint Cases - Updates or Actions Needed

A. Brenda Hayes, KY # 0542

Dr. Powell made a motion to set a hearing on Friday, November 13, 2015 at 2:00 p.m., EST and for legal counsel to prepare a Notice of Hearing and Complaint; seconded by Dr. McCormick. Motion carried unanimously. The record shows Mr. Smithern and Ms. McDaniel recused from the discussion and vote on Brenda Hayes.

B. Nancy LaPointe, KY # 0571

Dr. Powell made a motion to continue the case pending completion of the investigation by Janet Vogt; seconded by Dr. McCormick. Motion carried unanimously.

C. James K. Thompson, KY # 0183

Dr. Powell made a motion to continue the case until the next meeting pending the return of the Agreed Order; seconded by Dr. McCormick. Motion carried unanimously.

D. Aimee Keen, KY # 5834

Dr. Powell made a motion to approve the Reinstatement of Ms. Keen's licensure; seconded by Dr. McCormick. Motion carried unanimously.

Correspondence – FYI

Ms. Moore presented the following as FYI: State mileage reimbursement July 1- September 30, 2015 .43 cents a mile; Lincare Inc.; Dave Scharold; Medical Education Systems, Inc., approval letter; Denise Enlow email and Lyds email.

New Business

FYI. Oklahoma Executive Order 2015-33

Ms. Moore presented Executive Order 2015-33 issued by Governor Mary Fallin of Oklahoma interpreting the NC Dental Board/Supreme Court ruling as an FYI. Ms. Lalonde stated other states will interpret it differently.

FYI. Governor's Office "Executive Director/Board Member Training"

Ms. Moore updated Geoff Dunn; Executive Director of Boards and Commissions with the Governor's office has planned training for Executive Directors/Board Members on Tuesday, September 29, 2015, 8:00 a.m., - 4:30 p.m., EST at the Old State Capitol, Frankfort, KY. Most of the KBRC membership stated they would attend as well as Ms. Lalonde.

Announcements

Ms. McDaniel made a motion to reschedule the Thursday, October 15, 2015 meeting set for 5:45 p.m., EST to another location due to the 2015 Breeders' Cup utilizing Short Street as Festival Headquarters during October; seconded by Dr. McCormick. Motion carried unanimously.

Application Review

A motion was made by Tami McDaniel to accept all 58 applications since the last meeting; seconded by Jerrell Cloud. Motion carried unanimously.

The following **Student applications (6)** were approved:

Sabrina Edlin, Allison Farnsley, Lynne Grant, Karen Guzman, Emily Olson and Lauren Cissell.

The following **Temporary applications (2)** were approved:

Kent Boyd and Nancie Clark.

The following **NBRC applications (38)** were approved:

Brittany Alberts, Devan Bates, Robin Birchfield, Billie Brashears, Cheryl Brown, Gregory Brown, Kevin Bruce, Tiffany Butler, Brandi Conaway, Ashley Cornett, Patrick Crutchfield, Danielle Deloreto, Courtney Easton, Laura Espy, Emily Golden, Megan Hall, Alicia Haynes, Courtney Hayton, Amber Hendrix, Stephanie Hill, Andrew Keaton, Atsou Koumi, Nina Nesenchuk, Amy Nowicki, Felicia Rose, Douglas Smith, Jocilyn Smith, Joshua Snyder, Julia Speegle, Jason Spicer, James Peavey, Hayley Rideout, Justin Robinson, Amanda Walker, Katherine Wang, Adam Warren, Kellie Whitehouse, and Cyrena Wiley.

The following **Reciprocity applications (12)** were approved:

Sabrina Burrage, Lana Fleck, Joshua Mahon, Dawn Moore, Berlex Regis, Melanie Schmitt, Julia St. John, Angela Thornhill, James Thornhill, Jr., Beth Walker, Sarah Wiley and Ashley Wright.

Approval of Per-diem, Compensation, Travel and Honoraria

A motion was made by, Tami McDaniel and seconded by Kathy Schell, to approve the payment of per diem, compensation and travel for Board members. Motion carried unanimously.

Tami McDaniel made a motion to adjourn the meeting at 9:00 p.m.; seconded by Kathy Schell. Motion carried unanimously.

Jeff Smithern, RRT, Chair
KY Board of Respiratory Care